

REMARKS

Claims 1-16 have been cancelled in response to the request by the Examiner.

The amendments to the Claims have been made to more particularly point out and distinctly claim the subject matter of the invention. Support for these amendments can be found, for example, in the contents of the Tables of pages 52-60 of the specification.

Rejection of Claims 17, 18, and 21, Under 35 U.S.C. § 102(b)

Claims 17, 18 and 21, have been rejected under 35 U.S.C. § 102(b) as being anticipated by Turpin *et al.* in light of Dobrian *et al.* or Birkett *et al.* or Watanabe *et al.*

It was stated that Turpin *et al.* discloses a composition comprising Krebs-Ringer bicarbonate buffer with 1.5% albumin at pH 7.4 to which has been added 0.3  $\mu$ M epinephrine plus adenosine 0.1  $\mu$ M. It was further stated that albumin is a cytoprotective agent as demonstrated by its antioxidative properties (Dobrian *et al.*) and is well known to have fatty acids and steroids associated with it (Birkett *et al.* and Watanabe *et al.*). It was concluded that the composition of Turpin *et al.* which comprises albumin would also contain antioxidant, steroid and fatty acid since albumin preparations contain steroid and fatty acid and exhibit antioxidative properties.

It was further stated that the composition of Turpin *et al.* is fatty acid poor which means that at least one molecule of fatty acid would fulfill the claim limitations. In addition, it was noted that the claims do not require that the fatty acids be free in the media, but in any event, some molecules of fatty acid bound to BSA are in equilibrium with at least some free fatty acid in the media since the fatty acids are not covalently bound.

Turpin *et al.* shows a buffer solution containing Krebs-Ringer substances and bovine serum albumin at pH 7.4 (see page 443, left column, third full paragraph). To this buffer solution is added epinephrine and adenosine during experimental procedures (e.g., see page 444, Figure 4). However, it should be noted that the bovine serum albumin shown in this reference lacks fatty acids (see page 443, left column, second full paragraph). This was purposefully done because the fatty acids interfere with experimental design of the study of the reference. It was

indicated by the authors that fatty acids probably do not accumulate in their media (see page 447, left column, last full paragraph).

The organ preservation solution of presently amended independent Claim 17 contains at least one fatty acid and lists the acceptable concentrations of the majority of the constituents of the claims composition. While not agreeing with the contention of the Examiner that the solutions of Turpin *et al.* contain fatty acids, since Turpin *et al.* state that fatty acids would interfere with the experimental design of this study, the solutions of Turpin *et al.* do not contain the presently claimed concentrations of the solution constituents. In particular, the concentrations of adenosine used by Turpin *et al.* (0.001-10  $\mu$ M) fall outside the adenosine concentrations of the present claims (0.5-1 mM). Thus, present Claim 17 is not anticipated by Turpin *et al.* The teachings of Dobrian *et al.*, Birkett *et al.* and Watanabe *et al.* do not cure this defect in the teachings of Turpin *et al.* because these three references do not discuss buffer solutions such as those of Turpin *et al.*

Therefore, it is believed by Applicant that the present Claims are free of the prior art.

### CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

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